

## MINUTES OF JACKSON ZONING BOARD JANUARY 25, 2023

The January 25, 2023 Jackson Township Board of Adjustment **SPECIAL** Meeting was called to order at 7:04 p.m. with a salute to the flag by all present in person and via Zoom. Ryan Murphy, Esq. read the Open Public Meetings Act Statement and announced that adequate notice has been provided for this meeting.

**ROLL CALL:** Scott Najarian, Chairman; Lynne Bradley, Vice Chairman; Stephen Costanzo; Carl Book, Jr., Secretary; Jeanine Fritch, Acting Secretary; James Hurley; Joseph Riccardi, Alt #1; Raymond Lovacco, Alt #2 (Absent)

Also Present: Ryan Murphy, Board Attorney; Evan Hill, Board Engineer; Ernest Peters, Board Planner/Traffic consultant; Jeffrey Purpuro, Zoning Officer; Anthony Jacob, I.T. Representative; Fran DiBella, King Reporting and Zoning Board Recording Secretary

### **ANNOUNCEMENT**

Executive Session opened at 7:08 p.m. to discuss litigation. Motion to open executive session/Book. Second/Bradley Motion to close at 7:31 made by Book. Second/Costanzo. All voted in favor.

**Payment of (3) Vouchers:** Fran DiBella, recording secretary and King Reporting, court reporting services, for 01/25/23 as well as 01/18/23 Reporter invoice. Motion/Book. Second/Bradley. Voted Yes: Book, Fritch, Hurley, Riccardi, Bradley, Najarian

### **APPROVAL OF RESOLUTIONS:**

(NONE)

### **APPROVAL OF MINUTES:**

12/21/2022 and 01/04/2023 minutes. Motion/Book. Second/Bradley. Yes Vote: Book, Fritch, Hurley, Costanzo, Riccardi, Bradley, Najarian

Board professionals sworn in by Mr. Murphy.

### **APPLICATIONS:**

**26 Whitesville Road**, Minor Site Plan 853, Block 19501, Lot 21, Zone RG-2, 26 Whitesville Road. Donna Jennings, Esq., Applicant's attorney. Maria Piotrowski, Court reporter. The board attorney announced this is a motion for reconsideration on 26 Whitesville Road. This is an application for a conditional use variance to construct a schul with an accessory mikvah in the RG-2 zone. The conditional use sought is permitted within the zone. On December 21, 2022 the board denied the application four to three. Applicant is now before the Board on reconsideration, but the factual record will not be supplemented tonight and the Board will hear only oral argument from Ms. Jennings. Ms. Jennings stated that at the last meeting she never made a substantial burden argument under RLUPA. Rather, she made an equal

protection terms provision under RLUPA which means that you're treating a religious use different than a nonreligious (with regard to the setback with both the landscape buffer and the front yard and the parking itself). Mr. Hurley stated that the only law that's before us is the MLUL and we must follow it. The oath I have taken to sit on this board was to apply the law that is in effect, and I have to do that. On the left side, instead of grasscrete, put a drive aisle in there, now we got a safe and clear way of entry for emergency vehicles. **Motion No. 1 for reconsideration**/Book. Second/Costanzo. Yes Vote: Book, Costanzo, Riccardi, Bradley, Najarian. No Vote: Fritch, Hurley. **Motion No. 2 (with conditions articulated by Mr. Hurley):** Motion to approve/Hurley. Second/Fritch. Yes Vote: Fritch, Hurley. No Vote: Book, Costanzo, Riccardi, Bradley, Najarian. Mr. Murphy stated that now the Board can vote on the D-3 variance whether or not to approve those variances sought by the applicant. Mr. Hurley made a motion to approve the application upon the condition that where the buffer area is shown on lot 22 and where the grasscrete area is shown, that that area be utilized for purposes of replacing the front yard parking just along and parallel to Whitesville Road. There are 24 spaces, that they be replaced and put on the side line of the property, that is, to the left of the school where the buffer area is shown even with minimal buffering and that the grasscrete area be changed from grasscrete but be utilized for a drive aisle for purpose of accessing the parking spaces and for purposes of providing better access for emergency vehicles. I would make that motion to approve. Ms. Jennings stated that the applicant rejects that condition as we did before. Mr. Costanzo stated that by imposing those conditions, we are essentially changing the applicant's application. **Motion No. 3** for D-3 variance: Motion/Costanzo. Second/Riccardi. Yes Vote: Book, Costanzo, Riccardi, Bradley, Najarian. No Vote: Fritch, Hurley.

Motion to adjourn at 8:44 p.m. by all. All voted unanimously

Respectfully submitted by,  
Fran DiBella  
Zoning Board Recording Secretary

EXECUTIVE SESSION(S) MINUTES OF THE JACKSON TOWNSHIP  
BOARD OF ADJUSTMENT – January 25, 2023

**ROLL CALL:** Scott Najarian                      Lynne Bradley  
                  James Hurley                         Joseph Riccardi (Alt #1)  
                  Carl Book, Jr.                                    Jeanine Fritch  
                  Stephen Costanzo

**ALSO PRESENT:** Ryan Murphy, Esq., Board Attorney  
                         Jeffrey Purpuro, Zoning Officer  
                         Ernest Peters, Board Planner  
                         Evan Hill, Board Engineer  
                         Brent Pohlman, Esq.

Mr. Murphy discussed RLUPA and the town's ordinances.

**Respectfully submitted,**

**Fran DiBella**  
**Zoning Board Recording Secretary**